

## EXHIBIT A

### **Conditions Applicable to All Reservations Granted**

1. Reservations granted in the Order are subject to all prior existing water rights in the source of supply, including storage rights, and any final determination of existing water rights as provided by Montana law. Reservations are also subject to all prior Federal and Indian reserved rights. The reservants may use reserved water only when such use will not adversely affect prior water rights.
2. The reservations are subject to all Federal, State, and Local laws.
3. In accordance with rules adopted by the Board, but not less than every two years after the date of the Order granting the reservation, the reservant shall submit a report to the Board with such information as the Board may reasonably require.
4. Pursuant to Mont. Code Ann. § 85-2-316(10)(1991), the Board shall review water reservations granted in this order at least every 10 years to insure the objectives of the reservation are being met. Where the Board determines the objectives are not being met, it may, after notice and hearing, extend the term, modify, or revoke the reservation.
5. Any proposed changes of the reservation in point of diversion, place of use, purpose of use, or place of storage, from that originally granted by the Board, shall be made in accordance with the requirements of Mont. Code Ann. § 85-2-402 (1991). Further, the Board shall not approve the change unless provisions of Mont. Code Ann. § 85-2-316 (1991) are met.
6. The reservations are subject to all water uses which do not require a permit under Mont. Code Ann. § 85-2-306 (1991) that were beneficially use prior to the date of the Order granting the reservations.
7. The reservations may be subordinated to permits issued prior to the date of the Order granting the reservations pursuant to Mont. Code Ann. § 85-2-316(9)(d)(1991).
8. Conditions of this Order may be added, modified or deleted by the Board after notice and hearing.
9. All decisions made by the Board regarding water reservations granted in this order are appealable under the provisions of the Montana Administrative Procedure Act.

## ATTACHMENT I

### REVOCATION OF AUTHORIZATION

The District may revoke an authorization as provided under these rules. Additionally, if the work of an appropriation is not commenced, prosecuted, or completed within the time stated in the authorization or an extension thereof or if the water is not being applied to the beneficial use contemplated in the authorization or if the authorization or Board Order creating the reservation is otherwise not being followed, the District may revoke the authorization. Specific cases include but are not limited to the abandonment of the reserved water use or an irrigation system by the water user, violation of an authorization provision or the waste or misuse of allocated water. The Department shall be notified of any authorization revocations.

Violation of Water Use Authorization: The applicant is responsible for using water in accordance with an authorization issued by the District. Violations of the authorization are cause for the District to revoke the water use authorization. The water user shall be given written notice of the violation and shall be given a reasonable period in which to correct the violation. If the authorization is revoked the water will be made available for subsequent allocations.

Abandonment of Irrigation System: Abandonment of an irrigation system by a water user will cause that authorization to be revoked. The District will contact the water user before revoking an authorization to determine the cause and intent of abandonment. The District may defer revocation upon written request by the water user if circumstances indicate that the water user had no intentions of abandonment.

The District will consider a reserved water use or an irrigation system to be abandoned if the reserved water use or respective system has not been used for a period of 10 (Ten) consecutive years, provided water for diversion was available during that time.

Waste of Reserved Water: The water users may use water by any method acceptable in the area. Such use shall be in the most efficient manner possible for the particular method. Any misuse or waste of water shall result in revocation of the authorization by the District.

Authorization Revocation Meetings: Before an authorization is revoked, the District shall invite the water user to the next regularly scheduled District meeting or mutually agreed upon time. At such meeting the water user may present information to the District to show that there is no violation, abandonment, waste or misuse of water, or other grounds for revocation of the authorization. Upon determining that grounds exist for revocation, the District may revoke the authorization, or the District may, if circumstances warrant, modify the authorization to prevent a further violation of the authorization. If information presented by the water user substantiates his claim that there are no grounds for revocation, the District may not revoke the authorization.